

JUL 24 2006

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONRICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

JUL - 6 2006

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July 10, 2006

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SEROQUEL PRODUCTS LIABILITY LITIGATION

CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA

ORLANDO, FLORIDA

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.  
LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,  
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**TRANSFER ORDER**

This litigation currently consists of 92 actions pending in the Northern District of California, seventeen actions in the Southern District of Illinois, two actions in the Western District of Louisiana, and one action each in the Western District of Missouri, District of New Jersey, and Eastern District of Texas, as listed on the attached Schedules A, B and C.<sup>1</sup> Before the Panel are two motions, pursuant to 28 U.S.C. § 1407, that taken together seek centralization for coordinated or consolidated pretrial proceedings of 114 actions.<sup>2</sup> Plaintiff in one Southern District of Illinois action moves the Panel for coordinated or consolidated pretrial proceedings in the Southern District of Illinois. Plaintiffs in the two Western District of Louisiana actions move the Panel for centralization under Section 1407 in the Western District of Louisiana. Also, in the event the Panel grants the motions for transfer, defendants Janssen, L.P., and its parent company Johnson & Johnson (collectively Janssen) and Eli Lilly and Co. (Lilly) ask the Panel to separate and simultaneously remand the claims against these defendants to their respective transferor courts at the time of transfer. Plaintiffs in the District of New Jersey action oppose any separation and remand of the claims in their action.

Defendants AstraZeneca LP and AstraZeneca Pharmaceuticals LP (AstraZeneca) oppose the motions for transfer. If the Panel grants the motions over their objections, then these defendants request that the Panel assign the litigation to an experienced jurist with strong case management skills and to a district that has the resources to handle a large caseload and that is convenient to cross-country transportation. AstraZeneca suggests the Middle District of Florida and the Northern District of Illinois

<sup>1</sup> The Panel has been notified of over 120 related actions pending in multiple federal districts. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

<sup>2</sup> Eight additional Northern District of California actions and one additional District of New Jersey action listed on Schedule D were encompassed by the motions, but have been closed in their respective courts; accordingly, the question of transfer of these actions is now moot.

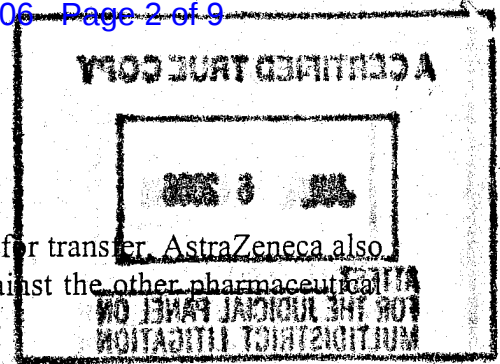
I certify the foregoing to be a true  
and correct copy of the original  
SHERYL L. LEWSON, Clerk  
United States District Court  
Middle District of Florida

By:   
Deputy Clerk

CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA  
MICHAEL W. WIERING

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as districts that meet this criteria. Should the Panel grant the motions for transfer, AstraZeneca also supports separation and remand under Section 1407 of the claims against the other pharmaceutical defendants.



On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation listed on Schedules A and B involve common questions of fact, and that their centralization under Section 1407 in the Middle District of Florida will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions are brought by persons allegedly injured by AstraZeneca's Seroquel, an atypical antipsychotic medication that allegedly can cause diabetes and related disorders. Common factual questions for the actions in this docket concern, inter alia, i) the development, testing, manufacturing and marketing of Seroquel, and ii) the defendants' knowledge concerning the drug's possible adverse effects. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary. The Panel is persuaded, however, that claims involving prescription drugs other than Seroquel do not share sufficient questions of fact with claims relating to Seroquel to warrant inclusion of the former claims in MDL-1769 proceedings.

Much of AstraZeneca's objection to centralization is rooted in the concern that the creation of multidistrict proceedings pursuant to Section 1407 encourages the filing of numerous actions with little or no merit. AstraZeneca argues, among other things, that the pending actions are in a limited number of federal districts, which are capable of managing Seroquel litigation without multidistrict proceedings. AstraZeneca points to earlier actions in federal court involving Seroquel, which were dismissed prior to the completion of pretrial proceedings. These arguments are not persuasive.

If the Panel were to adopt the defendants' concept . . . many of the judges assigned to the various actions would be required to needlessly replicate other judges' work on such matters as . . . rulings on motions to dismiss, and so forth. . . . We conclude that such an approach would defeat the very purposes leading to the enactment of Section 1407.

*In re Propulsid Products Liability Litigation*, 2000 U.S. Dist. LEXIS 11651, MDL-1355, at \*3-4 (J.P.M.L. Aug. 7, 2000). The response to such concerns more properly inheres in assigning all related actions to one judge committed to disposing of spurious claims quickly.

The Panel further finds that centralization of the actions listed on Schedule C would neither serve the convenience of the parties and witnesses nor further the just and efficient conduct of this litigation at this time. Plaintiffs in these actions have dismissed their claims against AstraZeneca, leaving claims brought solely against other pharmaceutical companies relating to prescription medications other than Seroquel. The remaining claims do not share sufficient questions of fact with the claims against AstraZeneca in the other actions to warrant inclusion in the MDL-1769 proceedings.

We are persuaded that the Middle District of Florida is an appropriate transferee forum for this litigation. Centralization in this forum permits the Panel to effect the Section 1407 assignment to a

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transferee judge with prior experience overseeing Seroquel litigation who can steer this litigation on a steady and expeditious course.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedules A and B are transferred to the Middle District of Florida and, with the consent of that court, assigned to the Honorable Anne C. Conway for coordinated or consolidated pretrial proceedings.

IT IS FURTHER ORDERED that claims against Janssen and Lilly in the actions listed on Schedule B are simultaneously separated and remanded to their respective transferor courts.

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 1407, transfer is denied with respect to the actions listed on Schedule C.<sup>3</sup>

FOR THE PANEL:



Wm. Terrell Hodges  
Chairman

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<sup>3</sup> With respect to the actions on Schedules B and C, the Panel plans to issue conditional transfer orders embracing claims involving Zyprexa to MDL-1596 – *In re Zyprexa Products Liability Litigation*. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. at 435-36.

SCHEDULE A

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

*Lamont Belpuliti v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-550  
*John Baytos v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-556  
*Shelley Powell, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-557  
*Debra Boyer v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-559  
*Lori Carroll, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-562  
*Eddi Glover v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-564  
*Kathleen McAllister v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-568  
*Michael Hawkins v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-569  
*Dawn Burgess v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-573  
*Edward Sulkowski v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-586  
*Sharie Walker v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-587  
*Carole McIntyre v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-589  
*James Frederick, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-590  
*Laurel Morris v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-592  
*Deborah Collier v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-599  
*Julia Boatwright v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-602  
*Summerstorm Weaver v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-604  
*Gregory Simmons v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-622  
*Anita Buchanan v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-623  
*Mary Popp v. AstraZeneca Pharmaceutical, LP, et al.*, C.A. No. 3:06-624  
*Dianne Mack v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-627  
*David Mazingo v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-628  
*Terri Lockhart, etc. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-644  
*Katherine Hopkins-Hyche, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-645  
*Kelly Truelove v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-651  
*John Masterson v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-657  
*Betty Evans v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-669  
*Jeffrey Boal v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-548  
*Dawn Bellman, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-552  
*La Monte Lear v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-571  
*Glenn Biskup, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-574  
*Jonathan Sullivan v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-600  
*Betty Reed v. AstraZeneca Pharmaceutical, LP, et al.*, C.A. No. 4:06-647

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Southern District of Illinois

*Norma Woll, et al. v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-57  
*Kevin Sanders v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-67  
*Sylvia Spencer v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-68  
*Judy Price v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-69  
*Pamela McCraney-Buzick v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-70  
*Willie Palmer v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-71  
*Roma Wilkens v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-72  
*Cynthia Andrews v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-85  
*Michael Crawford v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-96  
*Sharon Nelson v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-97  
*Betty Woodson v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-98  
*Kenneth Fowler v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-110  
*Carol Jenkins v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-111  
*Dorothy Soucy v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-122  
*Larry Williams v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-123  
*Charlene Smith, et al. v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-124  
*Anthony Ciaramitaro, et al. v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 3:06-125

Western District of Louisiana

*Linda Mae Sonnier v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 6:05-1022  
*Frederic Charles Becker v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 6:06-6

Western District of Missouri

*Julie Skiles, et al. v. Devon French, M.D., et al.*, C.A. No. 4:06-28

Eastern District of Texas

*Loretha Jones, et al. v. AstraZeneca Pharmaceuticals, LP*, C.A. No. 5:06-18



## SCHEDULE B

### MDL-1769 – In re Seroquel Products Liability Litigation

#### Northern District of California

*Joy Orie v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-542  
*Michelle Massey, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-544  
*Mark Bobal v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-547  
*Jerry Bradley, Sr., et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-549  
*John Heigl v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-551  
*Barbara Dortch v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-555  
*Ned Godfrey v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-565  
*Ethel Harkins v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-566  
*Elsie Rosales v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-567  
*Shirley Goldsmith v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-570  
*Marjorie Hess v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-572  
*Barry Derosky, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-577  
*Gail Gringel v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-578  
*Leona Cardwell v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-582  
*Sandra Chathams v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-585  
*Lisa Peat, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-591  
*Lucas Webb v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-598  
*William Kasperson v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-611  
*Cheryl Levy v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-613  
*Jennifer Bosaw, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-618  
*Kenneth King v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-620  
*William O'Hosky v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-625  
*Samantha Gangidine v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-643  
*Loraine Clements v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-655  
*Donna Ali v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-658  
*Larry Adams, Jr. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-660  
*Lori Robinson v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-663  
*Dennis Porter v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-668  
*Sharon Tenney, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-541  
*Laura Faulk, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-553  
*Mary Geones, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-580  
*Donna Linderman v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-614  
*Raymond Weldon v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-615  
*Quincy Alderson v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-621  
*Clinton Spung v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-626  
*Nichol Ledbetter v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-642  
*Winifred Thomas v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-659

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District of New Jersey

*Carlos Diciolla, et al. v. Johnson & Johnson Co., et al.*, C.A. No. 2:05-4570

**SCHEDULE C**

MDL-1769 – In re Seroquel Products Liability Litigation

Northern District of California

*John Jones v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-546  
*Casey Jones, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-554  
*Tracy Martin v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-560  
*James Miller, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-563  
*Emanuel Johnson, Jr., et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-576  
*Cheryl Cole, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-581  
*Marisa Castillo v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-583  
*Steven Carr v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-584  
*Herman McAfee v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-593  
*Andre Senay v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-594  
*Amesha Throne v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-595  
*Faith McConnell v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-596  
*Patti Cato, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-597  
*Wendy Melebeck v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-605  
*Cynthia Crockett v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-607  
*James Martin v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-617  
*Rodney Davis v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-619  
*Dorothy McGee, et al. v. AstraZeneca Pharmaceutical, LP, et al.*, C.A. No. 3:06-641  
*Lori Brendgard v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-603  
*Debra Gaines v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-612  
*Jeanette Severi v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-616  
*Corde Williams v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-656



## SCHEDULE D

### MDL-1769 – In re Seroquel Products Liability Litigation

#### Northern District of California

*Kenneth Calkin, et al. v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-540  
*Todd Fletcher v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-579  
*Nancy Burger v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-588  
*Ramon Fernandez v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-601  
*Angela DiMatteo v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-650  
*Judy DePastino v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 3:06-664  
*Betty Anderson v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-648  
*Brenda McCulley v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 4:06-649

#### District of New Jersey

*James Kane v. AstraZeneca Pharmaceuticals, LP, et al.*, C.A. No. 2:05-4558